UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,678	06/27/2001	Edward Eric Thomas	50037.29US01	3961

7590   07/31/2003

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN   55402-0903

EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2171	2

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Applicati n N.	Applicant(s)
Office Action Summary	09/892,678	THOMAS ET AL.
	Examin r	Art Unit
	Sana Al-Hashemi	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *27 June 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Status: 1- 17 are rejected

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (US Patent No.

6,553,409).

1.   Regarding Claims 1, 7, and 13, Zhang discloses a method for processing a notification having a tag

value, comprising:

        (a)   receiving the notification (for e.g. specify post-check and pre-check specify the state by cache

manager Fig. 2, **66**, column 2, lines 9-17)(see column 5, lines 56-63, Zhang);

        (b)   determining a synchronization state (the determination will be based on e.g. the age of the

content this performed at column 5, lines 50- 55, Zhang); and

        (c)   processing the notification based on the synchronization state (see column 5, lines 51-60,

Zhang).

2.   Regarding Claims 2, 8, and 14, Zhang discloses a method wherein determining a synchronization state,

further comprises:

(a)   setting a synchronization currently in process state when a synchronization is in process (see column 6, lines 46-49, Zhang[1]); otherwise

(b)   setting a synchronization currently not in process state (see column 6, lines 55-60, Zhang[2]).

3.   Regarding Claims 3, 9, 15, Zhang discloses a method wherein processing the notification based on the synchronization state, further comprises determining when the synchronization state is set to a state of no synchronization currently in process, and when:

(a)   processing the notification when the tagged value is current with respect to the current synchronization checkpoint value (see column 6, lines 60-67, Zhang);

(b)   discarding the notification when the tagged value is stale with respect to the current synchronization checkpoint value (see column 7, lines 24-29, Zhang); and

(c)   handling the notification when the tagged value is out-of-date with respect to the current synchronization value (see column 7, lines 25-26, Zhang).

4.   Regarding Claims 4, 10, and 16, Zhang discloses a method wherein handling the notification when the tagged value is out-of-date with respect to the current synchronization value, further comprises determining if the tagged value corresponds to a lost request key, and if so processing the notification, otherwise discarding the notification (see column 7, lines 37-49, Zhang).

5.   Regarding Claims 5, 11, and 17, Zhang discloses a method wherein processing the notification based on the synchronization state, further comprises determining when the synchronization state currently in process is set, and when:

(a)   queuing the notification when the tagged value is current with respect to the desired synchronization level (see column 8, lines 39-44, Zhang) ;

---

[1] Examiner interprets the step of validation as in process.
[2] Examiner interprets the "non-validate" as not in process.

(b)   discarding the notification when the tagged value is state with respect to the desired

synchronization value or out-of-date with respect to the desired synchronization level and corresponds to the

sync level of a lost sync request (see column 7, lines 24-29, Zhang); and

(c)   handling the notification when the tagged value is out-of-date with respect to the desired

synchronization level (see column 7, 25-26, Zhang) .

6.   Regarding Claims 6, and 12, Zhang discloses a method further comprising processing the notification

when the synchronization not currently in process state is set (see column 6, lines 55-60, Zhang).

Other Prior Art Made of Record

1. Zhang et al. (US Patent No. 6,553,409) discloses background cache synchronization.

2. Yehia et al. (US Bub No. US2002/0091614) discloses a method and system for automatic contract

reconciliation in a multilateral environment.

3. Ecklund (US Patent No. 4,853,843) discloses a system for merging virtual partition of a distributed database.

4. Chrabaszez (US Patent No. 6,134,673) discloses a method for clustering software applications.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be

reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to

this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Or telefax at phone number (703) 746-9890. For formal or draft communications, please label "PROSPOSED"

or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor

Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
July 23, 2003

WAYNE AMSBURY
PRIMARY PATENT EXAMINER